

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

SYLVESTER ALLEN, JR., *et al.*,

*Plaintiffs,*

v.

CITY OF GRAHAM, *et al.*,

*Defendants.*

**1:20-cv-0997-CCE-LPA**

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JUSTICE FOR THE NEXT  
GENERATION, *et al.*,

*Plaintiffs,*

v.

TERRY JOHNSON, individually and in his  
official capacity as Alamance County  
Sheriff, *et al.*,

*Defendants.*

**1:20-cv-00998-CCE-LPA**

**PARTIAL CONSENT MOTION FOR LEAVE TO TAKE LIMITED  
EARLY DISCOVERY AND TO EXTEND THE TIME LIMIT FOR  
SERVICE**

NOW COME Plaintiffs in both above-captioned actions, pursuant to Fed. R. Civ. P. 6(b) & 26(d)(1), and L.R. 6.1 & 37.1, and respectfully move this Court for leave to take limited discovery prior to the Rule 26(f) conference for the purpose of ascertaining the identities of the Jane and John Doe Defendants (“Doe Defendants”), and an extension of time to effect service on the Doe Defendants in accordance with Rule 4(m) of the Federal Rules of Civil Procedure of sixty (60) days from the later of either: 1) entry of an order

granting this partial consent motion; or 2) entry of an order authorizing the production and protecting the confidentiality of information and documents covered by N.C. Gen. Stat. §160A-168.

Plaintiffs' counsel affirms that she has conferred extensively in good faith with counsel for the Defendants who have thus far been served in this case to obtain their consent to the discovery and extension of time requested. Counsel for Alamance County Defendants have indicated that they cannot consent to the instant motion for limited early discovery, but have expressed willingness (subject to a Consent Protective Order under negotiation by the parties) to identify all personnel of the Alamance County Sheriff's Office who either deployed OC compound / pepper spray or authorized its deployment via production of all Use of Force and incident reports related to the October 31, 2020 March to the Polls that is the subject of this action. City of Graham Defendants do not consent to the motion for limited early discovery, and have not indicated that, absent an order authorizing the requested early discovery by this Court, they would be willing to produce such information subject to a Consent Protective Order. Both the Alamance County Defendants and the City of Graham Defendants consent to the extension of time to serve Doe Defendants requested in this motion.

This motion is supported by the accompanying memorandum of law, which is incorporated by reference herein.

This the 5th day of March, 2021.

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**CERTIFICATE OF SERVICE**

I certify that on March 5, 2021, I electronically filed the foregoing **PARTIAL CONSENT MOTION FOR LEAVE TO TAKE LIMITED EARLY DISCOVERY AND TO EXTEND THE TIME LIMIT FOR SERVICE** with the Clerk of Court using the CM/ECF system, which will serve all counsel of record in this action.

/s/Jaclyn A. Maffetore  
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Next Generation Plaintiffs*